

STATE OF NEW HAMPSHIRE
BOARD OF PHARMACY

December 8, 2004

A regular meeting of the New Hampshire Board of Pharmacy was held on **December 8, 2004** at the Manchester Country Club, 180 South River Road, Bedford, New Hampshire. The meeting was **called to order at 8:45 a.m.** with President Margaret E. Hayes presiding.

I. ROLL CALL - AGENDA REVIEW - ANNOUNCEMENTS

PRESENT

Margaret E. Hayes, President
Kristina Genovese, Vice-President
George L. Bowersox, Treasurer
Vahrij Manoukian, Member
Ronald L. Petrin, Member

ALSO PRESENT

Paul G. Boisseau,
Executive Secretary
Peter A. Grasso,
Chief Compliance Investigator
Carl T. Kelly,
Compliance Investigator

ABSENT

Sandra B. Keans, Secretary

II. REVIEW OF ACTION ITEMS

A. **Medication Assistance Programs**

Pursuant to Commissioner Bowersox's preliminary report at the March 17, 2004 Board meeting (*see Minutes*), a comprehensive report of findings and proposed resolution (action guidelines) is still in process. The Board is currently reviewing Ohio's Drug Repository Program which allows for the donation of previously dispensed prescription drugs to locations that would use them for treating patients who were unable to pay. Staff is also in the process of contacting other state boards of pharmacy for input. **Survey will be finalized and an executive summary prepared for distribution to the Board.**

B. **National Women's Law Center**

- Request for position statement
RE: Pharmacists' "authority" to refuse to fill certain prescriptions.

The Board awaits a response from the Office of the Attorney General requesting guidance in the issuance of a "position statement".

III. REVIEW / ADOPTION OF MINUTES

Minutes of the **November 17, 2004 regular meeting** of the Board were accepted as submitted. **(Manoukian/Bowersox). Voted (unanimous).**

IV. LICENSING

A. **Pharmacist / Pharmacy Technician**

1. Request for Reconsideration

BRETTON, Lisa

NH License No. 2650

Re: Walgreen Eastern Co., Inc.

- Addendum to *Report of Investigation* submitted by the AG's Office on November 4, 2004; reviewed and adjudicated by the Board on November 17, 2004.

The Board reviewed a *Memorandum* dated December 2, 2004 submitted by the AG's Administrative Prosecution Unit requesting the Board's reconsideration of a disciplinary action taken on November 17, 2004 relative to the above-referenced case.

On motion (Bowersox/Manoukian) the Board voted to reverse its decision (rendered on November 17, 2004) to issue a *Letter of Reprimand* to Lisa Bretton (in conjunction with a *Settlement Agreement* with Walgreen Eastern Co., Inc.) and, in lieu, the Board did direct that a *Letter of Concern* be issued to Ms. Bretton. Voted (unanimous).

2. Request for Waiver

a) **RELLA, Peter S.**

Amherst, NH

NH License No. 2205

Request for waiver, according to Ph 403.08, and/or extension of time to complete didactic continuing education for 2005 license renewal due to illness.

On motion (Manoukian/Petrin) the Board did grant a waiver (according to the provisions of Ph 403.08 of the NH Code of Administrative Rules) of didactic pharmacy continuing education requirements for 2005 renewal of licensure as a pharmacist in NH. Such waiver was granted with the

proviso that Mr. Rella has completed a minimum of 10-hours of pharmacy continuing education earned via home-study programming during calendar year 2004 and that, further, Mr. Rella shall earn a minimum of 20-hours of pharmacy CE, of which at least 10 of those hours shall be earned via live/didactic programming for 2006 renewal of licensure. Voted (unanimous).

b) **MESSINA, Brandy.**

Manchester, NH
NH License No. 3207

Request for waiver, according to Ph 403.08, and/or extension of time to complete didactic continuing education for 2005 license renewal due to illness.

On motion (Bowersox/Petrin) the Board did grant a waiver (according to the provisions of Ph 403.08 of the NH Code of Administrative Rules) of didactic pharmacy continuing education requirements for 2005 renewal of licensure as a pharmacist in NH. Such waiver was granted with the proviso that Ms. Messina has completed a minimum of 10-hours of pharmacy continuing education earned via home-study programming during calendar year 2004 and that, further, Ms. Messina shall earn a minimum of 20-hours of pharmacy CE, of which at least 10 of those hours shall be earned via live/didactic programming for 2006 renewal of licensure. Voted (unanimous).

3. Voluntary Surrender

O'LOUGHLIN, Keri Kortini

Hampton, NH
Registration Number: PT3071

The Board reviewed the *Report of Investigation* and Hearing Counsel's (APU) petition to approve *Settlement Agreement*.

On motion (Manoukian/Genovese) the Board did accept the *Settlement Agreement* which ordered the immediate *revocation* of Ms. O'Loughlin's NH pharmacy technician registration. Voted (unanimous).

V. COMPLIANCE UNIT

A. **Activity Report**

- November 2004

Motion (Manokian/Genovese) to accept the report as submitted. Voted (unanimous).

VI. NEW BUSINESS

A. Division of Emergency Medical Services

- Douglas McVicar, MD, EMS Medical Director
- John Clark, ALS Coordinator

On motion (Petrin/Bowersox) the Board voted to:

- 1. Approve the use of levalbuterol (under similar protocol to that currently approved for albuterol);**
- 2. Approve the use of the Mark I kit for use in bioterrorism response, as well as increasing the limit of diazepam in the drug boxes from 40 mgs. To 60 mgs.;**
- 3. Approve the proposed EMS 2005 medication list (it was suggested at the meeting that “norcuron” be added to the list, however, it is already listed as vecuronium bromide);**
- 4. Approve the proposed EMS 2005 Interfacility Medications List whereby in the interfacility transfer setting where the medication is ordered and initiated in the health care facility or in the home setting prior to the transfer, it is considered to be within the scope of practice of certain EMS providers to continue these medications during transfers; and**
- 5. Such other proposed legislative initiatives that would change the legal status of EMS Protocols.**

Voted (unanimous).

B. Rulemaking

On motion (Manokian/Genovese) the Board voted to approve the *Final Proposal*, as annotated, of Rule Number Ph 200 and certain sections of Rules Number Ph 300-700 and advancing the rulemaking process to final review and public hearing by the Joint Legislative Committee on Administrative Rules (JLCAR). Voted (unanimous).

VII. ADJOURNED 10:55 A.M.

Respectfully submitted,

Paul G. Boisseau
Executive Secretary
FOR THE BOARD